

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CHRIS AND RORY BADURA, *et al.*

*

Plaintiffs,

*

v.

*

Case Number: 2:07-CV-56
Honorable Robert E. Maxwell

INTRAWEST RESORTS, INC., *et al.*

*

Defendants.

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CONSENT MOTION TO EXTEND TIME TO FILE RESPONSIVE PLEADING

Plaintiffs Chris and Rory Badura, *et al.* (collectively referred to as "Plaintiffs") and Defendants Intrawest Resorts, Inc., Morgan-Keller, Inc., Rust Orling Architecture, Seneca Development Company, LLC, and Leisura Developments, LLC (collectively referred to as "Defendants"), by their undersigned attorneys, move for a thirty (30) day extension of the time during which Defendants have to file a responsive pleading to Plaintiffs' Complaint and, in support thereof, states as follows:

1. The Plaintiffs filed the Complaint on July 13, 2007.
2. The parties previously filed a Stipulation for Extension of Time stipulating that the responsive pleadings were to be filed on or before October 12, 2007.
3. The parties have engaged in preliminary discussions, including the possibility of an early mediation of claims.
4. The parties have not yet had the opportunity to evaluate fully the issues or discuss the claims sufficient to schedule a mediation.

5. The parties believe that a thirty (30) day extension of the time during which Defendants have to file a responsive pleading to Plaintiffs' Complaint will facilitate the identification of issues and claims.

6. This Consent Motion to Extend Time to file Responsive Pleading is made in good faith and no prejudice will result from the requested extension of time.

7. Counsel for all parties have authorized Morgan-Keller's counsel to execute this Consent Motion to Extend Time to file Responsive Pleading on their behalf.

Respectfully submitted,

/s/ James A. Varner, Sr.

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IT IS SO ORDERED this 11th day of October, 2007:



Judge, U.S. District Court-Northern District of West Virginia

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY hereby certify that on the 10th day of October, 2007, I electronically filed the foregoing Consent Motion to Extend Time to File Responsive Pleading using the CM/ECF system, which will send notification of such filing to the following:

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